

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TONY HOBSON,  
Petitioner,  
v.

JERRY HOWELL, *et al.*,  
Respondents.

Case No. 2:20-cv-00503-KJD-NJK

**SCHEDULING ORDER**

This action is a petition for writ of habeas corpus by Tony Hobson, a Nevada prisoner. The Court appointed counsel for Hobson (ECF No. 6), and appointed counsel appeared for Hobson on June 11, 2020 (ECF No. 10). Counsel appeared for Respondents on June 8, 2020 (ECF No. 9).

Therefore, the Court will set a schedule for further proceedings in this action, as follows.

Amended Petition. If necessary, Petitioner shall file an amended petition for writ of habeas corpus within 90 days after this order is entered. The amended petition shall specifically state whether each ground for relief has been exhausted in state court; for each claim that has been exhausted in state court, the amended petition shall state how, when and where that occurred. If Petitioner determines that an amended petition need not be filed, then, within 90 days after entry of this order, Petitioner shall file a notice to that effect.

Response to Petition. Respondents will have 60 days following the filing of the amended petition to file an answer or other response to the amended petition. If Petitioner does not file an amended petition, Respondents will have 60 days following

1 the due-date for the amended petition to file an answer or other response to Petitioner's  
2 petition (ECF No. 7).

3 Reply and Response to Reply. Petitioner will have 45 days following the filing of  
4 an answer to file a reply. Respondents will thereafter have 30 days to file a response to  
5 the reply.

6 Briefing of Motion to Dismiss. If Respondents file a motion to dismiss, Petitioner  
7 will have 60 days following the filing of the motion to file a response to the motion.  
8 Respondents will thereafter have 30 days to file a reply.


9 Discovery. If Petitioner wishes to move for leave to conduct discovery, Petitioner  
10 shall file such motion concurrently with, but separately from, the response to  
11 Respondents' motion to dismiss or the reply to Respondents' answer. Any motion for  
12 leave to conduct discovery filed by Petitioner before that time may be considered  
13 premature, and may be denied, without prejudice, on that basis. Respondents shall file  
14 a response to any such motion concurrently with, but separately from, their reply in  
15 support of their motion to dismiss or their response to Petitioner's reply. Thereafter,  
16 Petitioner will have 20 days to file a reply in support of the motion for leave to conduct  
17 discovery.

18 Evidentiary Hearing. If petitioner wishes to request an evidentiary hearing,  
19 Petitioner shall file a motion for an evidentiary hearing concurrently with, but separately  
20 from, the response to Respondents' motion to dismiss or the reply to Respondents'  
21 answer. Any motion for an evidentiary hearing filed by Petitioner before that time may  
22 be considered premature, and may be denied, without prejudice, on that basis. The  
23 motion for an evidentiary hearing must specifically address why an evidentiary hearing  
24 is required and must meet the requirements of 28 U.S.C. § 2254(e). The motion must  
25 state whether an evidentiary hearing was held in state court, and, if so, state where the  
26 transcript is located in the record. If Petitioner files a motion for an evidentiary hearing,  
27 Respondents shall file a response to that motion concurrently with, but separately from,  
28 their reply in support of their motion to dismiss or their response to Petitioner's reply.

1 Thereafter, Petitioner will have 20 days to file a reply in support of the motion for an  
2 evidentiary hearing.

3 **IT IS SO ORDERED.**

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5 DATED THIS 15 day of July, 2020.

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KENT J. DAWSON,  
UNITED STATES DISTRICT JUDGE  
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